

Applicant : Alfred W. Muldoon

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REMARKS

Applicant thanks Examiner Vu for his careful attention to this application.

The claims have been amended to more clearly define the invention of the present application.

The Examiner has rejected the claims as anticipated by Bhatnagar, U.S.

6,739,145.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). >"When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection." MPEP § 2131.

Claim 21, as amended, requires a sensor for scanning the plurality of circuits to determine which of a plurality of output transducers is present in the model, and a limiting means for limiting operation of the control to output transducers determined to be present within the model.

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The device shown in Bhatnagar does not have such a sensor or a limiting means. The control shown in Bhatnagar is capable of operating a large number of transducers. However, the control is configured by means of configuration data supplied by a configuration memory included with the said electronic controller. Col. 4, lines 1-7.

Thus, the device shown in Bhatnagar does not show a sensor for scanning a plurality of circuits to determine the presence of transducers. It also does not have a limiting means for limiting the operation of the control to only those output transducers determined to be present by the sensor.

As to claim 29, nothing in Bhatnagar shows or suggests a limiting means which determines whether there is a fault in a transducer.

Claim 31, as amended, requires among other things a sensing means for scanning the plurality of circuits to identify which of the plurality of circuits contain at least one display output transducers. There is nothing in Bhatnagar which shows or suggests such a sensing means.

Claim 31 further requires a limiting means for limiting the operation of the control so that the control only attempts to control the display output transducers found by the sensing means. Thus, the control will not attempt to control a display output transducer not found by the sensing means.

The control in Bhatnagar does not show such a function. Once it is configured, it does not attempt to identify the transducers actually present within the system.

Claim 37 is a method of operating a control. The control capable of operating a first and a second model. A first circuit is energized, and the

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the presence or absence of a first transducer in the first circuit by scanning the first circuit. The control is enabled to operate as the first model if the first transducer is present in the first circuit, but enabled to operate as the second model if the transducer is absent from the first circuit.

No such method is shown in the Bhatnagar patent. The control shown in Bhatnagar never detects whether a transducer is present. It relies solely on configuration data contained within a configuration memory.

Claim 38 adds the step of detecting whether the first transducer has failed. Nothing in Bhatnagar even suggests that there is a test for the failure of the first transducer.

New claim 39 further requires a scan of the components within the model to identify the operating modes of the model. This is not show or suggested by the references cited by the Examiner.

CONCLUSION

In view of the above amendments and these remarks, Applicants respectfully submit that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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